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Attorney's Docket:

020431.0839

APPLICATION

09/858,322

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Manoel Tenorio
Serial No.: 09/858,322
Filing Date: May 15, 2001
Art Unit: 3625
Examiner: Cuong H. Nguyen
Confirmation No.: 3081
Title: Pre-Qualifying Sellers during the Matching Phase of an Electronic Commerce Transaction

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GROUP 3600

Mail Stop Amendment
Commissioner for Patents
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Willie Jiles

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Response to Office Action Containing Restriction Requirement

In response to the Office Action mailed May 6, 2004, Applicant elects Species I (Claims 1-10, 14-23, 27-36, and 41-43) for prosecution on the merits. This election is made to expedite issuance of a patent from this Application. Applicant does not necessarily agree with or acquiesce to the Examiner's conclusion reflected in the Office Action.

Applicant has withdrawn Species II (Claims 11-13, 24-26, and 37-40) without prejudice or disclaimer for prosecution in a divisional application. However, Applicant respectfully submits that it would be more appropriate to include independent Claim 40 in Species I than Species II. Although Claim 40 recites "means . . . for identifying" rather than "one or more pointers . . . identifying" as recited in Claim 1, the second elements of these claims are otherwise identical and Applicant believes efficiency would be served by examining these claims together. If the Examiner agrees, Applicant respectfully requests the Examiner to add Claim 40 or its equivalent by Examiner's amendment, or to note such agreement in the Examiner's next communication so that Applicant can resubmit Claim 40, for examination with the other claims in Species I.